

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MONA ALLEN, et al.,
Plaintiffs,

v.

COUNTY OF LAKE, et al.,
Defendants.

Case No. 14-cv-03934-TEH

ORDER DENYING PLAINTIFFS'
REQUEST TO SUPPLEMENT
EXPERT DISCLOSURE

During the hearing on the parties' motions for summary judgment on January 18, 2017, Plaintiffs' counsel, Mr. Elford, requested that he be allowed to supplement his expert disclosures. While the Court tentatively denied this request, it also gave Mr. Elford until January 20, 2017 to provide legal authority supporting his request. ECF No. 212. On January, 20, 2017, Mr. Elford timely provided such information. ECF No. 213.

Having reviewed Mr. Elford's legal authority, the Court is not persuaded. Mr. Elford cited Fed. R. Civ. P. 26(a)(2)(E), which requires the parties to "supplement [expert] disclosures when required under Rule 26(e)." However, Mr. Elford failed to cite the rest of the rule, Rule 26(e), which requires such supplementation "if the party learns that in some material respect the disclosure or response is incomplete or incorrect, *and* if the additional or corrective information has not otherwise been made known to the other parties during the discovery process or in writing." Fed. R. Civ. P. 26(e)(1)(A) (emphasis added). Mr. Elford's other cited cases are consistent the requirements of Rule 26(e). Here, where Mr. Elford has not alleged Plaintiffs' expert disclosure was incomplete or incorrect, the requirements of Rule 26(e) have not been satisfied. Thus, the Court's tentative ruling stands.

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1 Accordingly, Plaintiffs' request to supplement their expert disclosures is DENIED.

2 **IT IS SO ORDERED.**

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4 Dated: 1/23/17



THELTON E. HENDERSON
United States District Judge

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